

AMENDED IN SENATE JUNE 28, 2012
AMENDED IN ASSEMBLY MAY 25, 2012
AMENDED IN ASSEMBLY MAY 16, 2012
AMENDED IN ASSEMBLY APRIL 30, 2012
AMENDED IN ASSEMBLY APRIL 9, 2012
AMENDED IN ASSEMBLY MARCH 1, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1589

**Introduced by Assembly Members Huffman, Chesbro, Dickinson,
Gatto, and Jeffries**
(Coauthors: Assembly Members Allen, Ammiano, Beall,
Blumenfield, Brownley, Gordon, Harkey, Hayashi, Hill, Lara,
Logue, Ma, Monning, Olsen, Smyth, and Yamada)

February 6, 2012

An act to amend ~~Sections 5007 and~~ *Section* 5080.42 of, and to add Article 1.8 (commencing with Section 5019.90) to Chapter 1 of Division 5 of, the Public Resources Code, to add and repeal Sections 17205, 18515.1, 18515.2, 18515.3, and 18515.4 of the Revenue and Taxation Code, ~~and to amend Section 5155 of, and to add Section 5161 to, the Vehicle Code,~~ relating to state parks, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1589, as amended, Huffman. State parks: sustainability and protection.

(1) Existing law vests with the Department of Parks and Recreation control of the state park system. Existing law requires the department to achieve any required budget reductions, as defined, by closing, partially closing, and reducing services at selected units of the state park system, based on specified factors.

~~This bill would, instead, authorize the department to achieve any required budget reductions by implementing efficiencies, increasing revenue collection, and closing, partially closing, or reducing services at selected units of the state park system, but would limit to 25 state park units the number of units of the state park system subject to full park closure during the 2012 to 2016, inclusive, calendar years, except as provided. The bill would revise the factors the department is required to use as a basis for determining which units of the state park system are to be closed, and would require the department to document and publicly disclose the methodology, rationale, and scoring system used to evaluate and select parks designated for closure.~~

This bill would enact the California State Park Stewardship Act of 2012, which would require the department to develop a prioritized action plan to increase revenues and the collection of user fees at state parks. The bill would require the department to report to the Legislature and the Governor on the prioritized action plan by ~~January~~ *July* 1, 2013.

The bill would create the California State Park Enterprise Fund in the State Treasury, and would require that moneys in the fund be held in trust and only expended for specified purposes relating to (a) the capital costs of construction and installation of new revenue and fee collection equipment and technologies, (b) other costs of restoration and rehabilitation of the state park system, and its natural, historical, and visitor-serving resources that enhance visitation and create opportunities to increase revenues, and (c) for costs to the department to develop and implement the prioritized action plan. The bill would require that the sum of \$10 million dollars be transferred from the unexpended balance of bond funds made available to the department under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, and be deposited into the fund, and expended, upon appropriation by the Legislature, for the purposes of the bill.

(2) Provisions relating to the administration of personal income taxes allow individual taxpayers to contribute amounts in excess of their tax liability for the support of specified funds to be used for specified purposes.

This bill would, for each taxable year beginning on or after January 1, 2013, and before January 1, 2018, allow as a deduction the amount deposited into the California State Parks Protection Fund on an individual taxpayer return that is in excess of the price of the number of state parks day use annual passes received, as provided. This bill would require the Franchise Tax Board to revise the individual taxpayer return form, as specified, to allow a taxpayer to designate an otherwise refundable amount in excess of tax liability to be deposited to the California State Parks Fund. This bill would require that the proceeds from these purchases be placed in the State Parks Protection Fund and allocated as provided. This bill would repeal these provisions January 1, 2019.

(3) Existing law provides that it is a misdemeanor for any officer or employee of the state to disclose certain tax information.

This bill would require the Franchise Tax Board to provide necessary information, as provided, to the Department of Parks and Recreation so that individuals who deposited amounts equal to or in excess of the price of a state parks day use annual pass can be contacted.

By changing the scope of an existing crime, this bill would impose a state-mandated local program.

~~(4) Existing law authorizes the Department of Motor Vehicles to issue specialty license plates, including environmental license plates and specified special environmental design license plates. The department is required to charge specified fees for certain services related to the issuance of those plates.~~

~~This bill would additionally authorize the Department of Motor Vehicles, in consultation with the Department of Parks and Recreation, to design and make available for issuance pursuant to specified provisions special state parks environmental license plates bearing a full-plate graphic design that, upon consultation with the Department of the California Highway Patrol, does not obscure the readability of the license plate depicting a significant natural feature or features of California's state park system, as approved by the Department of Parks and Recreation, and upon payment by a person applying for the special state parks environmental design license plate of an additional fee.~~

~~(5)~~

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(6)

(5) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 5007 of the Public Resources Code is~~
2 ~~amended to read:~~

3 ~~5007. (a) The department shall achieve any required budget~~
4 ~~reductions by implementing efficiencies, increasing revenue~~
5 ~~collection, and closing, partially closing, or reducing services at~~
6 ~~selected units of the state park system. However, it is the intent of~~
7 ~~the Legislature that the department implement full park closures~~
8 ~~only as a last resort to address required budget reductions after all~~
9 ~~other feasible alternatives, including, but not limited to, operating~~
10 ~~agreements with qualified nonprofit entities and local governments~~
11 ~~have been explored. With the exception of parks that are subject~~
12 ~~to operating agreements with qualified nonprofit entities or local~~
13 ~~governments, the number of units of the state park system subject~~
14 ~~to full park closure during the 2012 to 2016, inclusive, calendar~~
15 ~~years shall not exceed 25 state park units, unless expressly~~
16 ~~authorized pursuant to a statute enacted by the Legislature on or~~
17 ~~after January 1, 2013. For purposes of this section, "required budget~~
18 ~~reductions" means the amount of funds appropriated in the annual~~
19 ~~Budget Act to the department that is less than the amount necessary~~
20 ~~to fully operate the 2010 level of 278 units of the state park system.~~
21 ~~The department shall document and publicly disclose the~~
22 ~~methodology, rationale, and scoring system used to evaluate and~~
23 ~~select parks designated for closure, and shall select the units to be~~
24 ~~closed based solely on all of the following factors:~~

25 ~~(1) The relative statewide significance of each park unit,~~
26 ~~preserving to the extent possible, parks identified in the~~
27 ~~department's documents including "Outstanding and~~
28 ~~Representative Parks," the "California State History Plan," and~~
29 ~~the "California State Parks Survey of 1928."~~

1 ~~(2) The rate of visitation to each unit, to minimize impacts to~~
2 ~~visitation in the state park system. Visitation shall be measured~~
3 ~~not only based on the raw number of visitations to the unit, but on~~
4 ~~the extent to which the total capacity of the unit is utilized.~~

5 ~~(3) (A) The estimated net savings from closing each unit, to~~
6 ~~maximize savings to the state park system.~~

7 ~~(B) For purposes of this subdivision, “net savings” means the~~
8 ~~estimated costs of operation for the unit less the unit’s projected~~
9 ~~revenues and less the costs of maintaining the unit after it is closed.~~

10 ~~(4) The feasibility of physically closing each unit.~~

11 ~~(5) The existence of, or potential for, partnerships that can help~~
12 ~~support each unit, including public and nonprofit partners and~~
13 ~~concessions.~~

14 ~~(6) Significant operational efficiencies to be gained from closing~~
15 ~~a unit based on its proximity to other closed units where the units~~
16 ~~typically share staff and other operating resources, except where~~
17 ~~this would create a cluster of park closures that would have a~~
18 ~~disproportionate impact on a local or regional economy.~~

19 ~~(7) Significant and costly infrastructure deficiencies affecting~~
20 ~~key systems at each unit so that continued operation of the unit is~~
21 ~~less cost effective relative to other units.~~

22 ~~(8) Recent or funded infrastructure investments at a unit.~~

23 ~~(9) Necessary but unfunded capital investments at a unit.~~

24 ~~(10) Deed restrictions and grant requirements applicable to each~~
25 ~~unit.~~

26 ~~(11) The extent to which there are substantial dedicated funds~~
27 ~~for the support of the unit that are not appropriated from the~~
28 ~~General Fund.~~

29 ~~(12) The extent to which the closure of a unit would impact~~
30 ~~local and regional economies, or disproportionately impact one~~
31 ~~region of the state over another.~~

32 ~~(13) The extent to which the closure of a unit would limit~~
33 ~~availability of Americans with Disabilities Act of 1990 (ADA),~~
34 ~~including changes made by the ADA Amendments Act of 2008~~
35 ~~(Public Law 110-325), compliant facilities.~~

36 ~~(14) The extent to which closure of a unit would impair~~
37 ~~firefighter access to water resources or otherwise increase fire risk.~~

38 ~~(15) The extent to which closure of a unit would increase public~~
39 ~~safety hazards or impair the state’s ability to protect iconic natural~~
40 ~~and historical resources.~~

~~(b) Notwithstanding Division 3.6 (commencing with Section 810) of Title 1 of the Government Code, a public entity or a public employee is not liable for injury or damage caused by a condition of public property located in, or injury or damage otherwise occurring in, or arising out of an activity in, a state park system unit that is designated as closed by the department pursuant to subdivision (a), except for conduct that constitutes gross negligence or is wanton or reckless. This immunity shall apply notwithstanding the fact that the public has access, whether invited or uninvited, to the state park system unit, and notwithstanding that the department may take actions such as patrols, inspections, maintenance, and repairs necessary to protect the state park system unit facilities and resources from deterioration, damage, or destruction. This immunity shall apply only to units of the state park system that are designated as closed pursuant to subdivision (a) and shall not apply to units that are partially closed or subject to service reductions but not closure. The closed units shall be maintained in a list by the department and the list shall be made publicly available and posted on the department's Internet Web site. The list shall include the date the unit is considered closed. The immunity provided by this subdivision does not limit any other immunity or immunities available to a public entity or a public employee. The governmental immunity provided in this section does not apply to a third party or entity that has reopened a park listed as closed pursuant to subdivision (a). The immunity shall continue to apply to the state.~~

~~SEC. 2.~~

SECTION 1. Article 1.8 (commencing with Section 5019.90) is added to Chapter 1 of Division 5 of the Public Resources Code, to read:

Article 1.8. California State Park Stewardship Act of 2012

5019.90. This article shall be known, and may be cited, as the California State Park Stewardship Act of 2012.

5019.91. The Legislature finds and declares all of the following:

(a) California's state parks are an essential part of California's unique heritage, and protect important natural, cultural, and historical resources of great value to all Californians.

1 (b) The mission of the California State Park system is to provide
2 for the health, inspiration, and education of the people of California
3 by helping to preserve the state's extraordinary biological diversity,
4 protecting its most valued natural and cultural resources, and
5 creating opportunities for high-quality outdoor recreation. State
6 parks are set aside to protect their natural, historical, cultural, and
7 recreational values in perpetuity for the people of the state.

8 (c) California state parks are vital to the quality of life in
9 California and are a major draw for tourism in the state, generating
10 billions of dollars in annual economic activity in communities near
11 state parks and in park-related expenditures. The economic activity
12 generated by state parks helps sustain small businesses and jobs
13 in local communities near state parks and generates significant tax
14 revenue for the state.

15 (d) The budget for state parks has not kept pace with population
16 growth and growing demand. The annual budget for state parks
17 has been significantly below the amount necessary to maintain
18 state parks in their current condition. State General Fund revenue
19 for state parks declined by over 37 percent between fiscal years
20 2007–08 and 2012–13, inclusive. The ongoing shortfall has resulted
21 in a deferred maintenance backlog of over one billion three hundred
22 million dollars (\$1,300,000,000) by 2010, inadequate staff to
23 protect park resources and maintain public access and safety, and
24 partial closures of many state parks. The state park system cannot
25 sustain further cuts in funding and remain viable.

26 (e) After additional budget cuts were proposed by the Governor
27 and approved by the Legislature in the 2011–12 fiscal year, the
28 Governor's administration announced its intent to close up to 70
29 state parks by July 2012.

30 (f) It is imperative that the state commit to a long-term goal of
31 adequately and sustainably funding and maintaining California's
32 state park system to protect these irreplaceable resources and to
33 preserve California's legacy for the benefit of all Californians. To
34 this end, it is necessary that the state identify new revenue strategies
35 that will move the state toward that goal, and affirm a state policy
36 that park closures are to occur only as a last resort, and only after
37 all reasonable alternatives have been pursued.

38 (g) To fully realize the potential of nonprofit, philanthropic, and
39 other public and nongovernmental partnerships that can help sustain
40 a world class state park system in California, it is imperative that

1 the Legislature and the Governor form a compact to ensure an
2 adequate level of state funding for state parks is maintained in the
3 future and that new revenues received from private sector donors
4 are used to supplement, and not to supplant, existing state funding.

5 (h) It is therefore the intent of the Legislature to encourage the
6 formation of a state compact that will ensure the following:

7 (1) Commit the state to a long-term goal of adequately funding
8 and maintaining California's state park system by, among other
9 things, identifying new revenues and fundraising strategies to
10 sustain state parks and ensuring that those new sources are not
11 used to supplant existing state support for state parks or to justify
12 further reductions in General Fund support that would leave the
13 park system unsustainable.

14 (2) Ensure that any new revenues received from private donors
15 for the support of state parks are used to supplement, and not to
16 supplant, existing state funding for state parks and are used only
17 for the purposes for which they are given.

18 (3) Commit the state to a goal of greater efficiency in the
19 management of state parks, including maximizing the collection
20 of fees and other revenue generating potential at state parks, while
21 maintaining public access for all Californians.

22 (4) Minimize the number of parks subject to closure and
23 encourage creative partnerships to assist the state with park
24 operations and management.

25 (i) It is further the intent of the Legislature to encourage
26 formation of a multidisciplinary advisory council, including, but
27 not limited to, members of the public, persons with park
28 management expertise, representatives of nonprofit park
29 organizations, and representatives of the private philanthropic
30 community, to conduct an independent assessment and make
31 recommendations to the Legislature and the Governor on future
32 management, planning, and funding proposals that will ensure the
33 long-term sustainability of the state park system.

34 5019.92. (a) The department shall develop a prioritized action
35 plan to increase revenues and collection of user fees at state parks.
36 The plan shall include strategies for generating new revenues and
37 fee collection methodologies at state parks and ~~shall~~ may include,
38 but is not necessarily limited to, all of the following:

1 (1) Installation of modern fee collection technologies and
2 equipment at state parks such as kiosks that accept credit cards
3 and automatic entrance gates, where appropriate.

4 (2) Implementation of peak demand pricing at popular
5 campgrounds and other high-demand park facilities.

6 (3) Assessment of appropriate fees at all state park units.

7 (4) Offering of additional mission-appropriate fee-for-service
8 amenities with revenue generating potential at select parks where
9 consistent with park unit general plans. Those amenities may
10 include, but are not limited to, installation of additional recreational
11 vehicle spaces to expand campground capacity at heavily used
12 parks where natural resource needs and space availability allow,
13 installation of upgraded overnight options such as cabins, where
14 feasible, and rental of park facilities for special events.

15 (5) Promotion and marketing of an “adopt a park” or systemwide
16 state park sponsorship program to encourage private donations in
17 support of state parks, with appropriate recognition to be given to
18 donors consistent with state park policies and mission.

19 (6) Design, promotion, and marketing of a new state park annual
20 access pass system with incentives to encourage increased
21 voluntary purchases of state park access passes, including, but not
22 necessarily limited to, all of the following:

23 (A) Offering of different regional and seasonal options for
24 annual passes.

25 (B) Providing multiple opportunities for the purchase of annual
26 passes, including at state park entrances and through partnerships
27 with retail outlets, and on state tax returns.

28 (C) Offering of incentives such as free midweek off-peak season
29 camping passes with the purchase of an annual pass if purchased
30 during the first three months of the year.

31 (D) Offering of opportunities for purchasers to make a voluntary
32 additional contribution that would be dedicated to support of a
33 particular category of state parks, such as the state’s iconic redwood
34 parks and historical parks that require funding over and above that
35 generated by user fees to sustain the parks in good condition.

36 (b) The department shall report to the Legislature and the
37 Governor on the prioritized action plan required to be developed
38 pursuant to subdivision (a) by ~~January~~ July 1, 2013.

39 5019.93. (a) The California State Park Enterprise Fund is
40 hereby created in the State Treasury, and moneys in the fund shall

1 be held in trust, and only be expended for any of the following
2 purposes:

3 (1) To fund the capital costs of construction and installation of
4 new revenue and fee collection equipment and technologies and
5 other physical upgrades to existing state park system lands and
6 facilities.

7 (2) For other costs of restoration and rehabilitation of the state
8 park system and its natural, historical, and visitor-serving resources
9 that enhance visitation and create opportunities to increase
10 revenues.

11 (3) For the costs to the department to develop and implement
12 the action plan required by Section 5019.92.

13 (b) The sum of ten million dollars (\$10,000,000) shall be
14 transferred from the unexpended balance of bond funds made
15 available to the department pursuant to subdivision (a) of Section
16 75063 pursuant to Proposition 84, the Safe Drinking Water, Water
17 Quality and Supply, Flood Control, River and Coastal Protection
18 Bond Act of 2006 (Division 43 (commencing with Section 75001)),
19 and shall be deposited into the California State Park Enterprise
20 Fund and expended, upon appropriation by the Legislature, for the
21 purposes of subdivision (a).

22 (c) Moneys received by the department from private
23 contributions and other public funding sources may also be
24 deposited into the fund and used for the purposes of this article.

25 ~~SEC. 3.~~

26 *SEC. 2.* Section 5080.42 of the Public Resources Code is
27 amended to read:

28 5080.42. (a) Notwithstanding any other provision of this
29 article, the department may enter into an operating agreement with
30 a qualified nonprofit organization for the development,
31 improvement, restoration, care, maintenance, administration, or
32 operation of a unit or units, or portion of a unit, of the state park
33 system, as identified by the director. If the department enters into
34 an operating agreement that involves the operation of the entirety
35 of a park unit, that agreement may be entered into pursuant to this
36 section only to the extent that the agreement would enable the
37 department to avoid closure of a unit or units of the state park
38 system that may otherwise be subject to closure. The department
39 may only enter into an operating agreement that involves the
40 operation of the entirety of a park unit for no more than 20 park

1 units. An operating agreement with a qualified nonprofit
2 organization shall include, but shall not be limited to, the following
3 conditions:

4 (1) The district superintendent for the department shall provide
5 liaison with the department, the nonprofit organization, and the
6 public.

7 (2) The nonprofit organization shall annually submit a written
8 report to the department regarding its operating activities during
9 the prior year and shall make copies of the report available to the
10 public upon request. The report shall be available on the Internet
11 Web sites of both the department and the nonprofit organization.
12 The report shall include a full accounting of all revenues and
13 expenditures for each unit of the state park system that the
14 nonprofit organization operates pursuant to an operating agreement.

15 (3) (A) Except as provided in subparagraph (B), all revenues
16 received from a unit shall be expended only for the care,
17 maintenance, operation, administration, improvement, or
18 development of the unit. The qualified nonprofit organization may
19 additionally contribute in-kind services and funds raised from
20 outside entities for the care, maintenance, operation, administration,
21 improvement, or development of the unit.

22 (B) Revenues received from a unit that are in excess of the
23 revenues that are needed for the care, maintenance, operation,
24 administration, improvement, or development of that unit may be
25 dedicated to another state park unit for that unit's care,
26 maintenance, operation, administration, improvement, or
27 development.

28 (4) No General Fund moneys shall be provided to a nonprofit
29 organization to subsidize the operation or maintenance of a park
30 unit. This paragraph applies to state parks, the full operation of
31 which are turned over to a nonprofit organization, but does not
32 apply to or preclude the department from entering into agreements
33 with nonprofit organizations to operate a portion of a state park
34 unit, or from entering into comanagement agreements with
35 nonprofit organizations that involve the sharing of operational and
36 financial responsibilities for the park unit and that have the effect
37 of reducing state costs. This paragraph does not apply to park
38 entrance fees, concession revenues, or any other revenues generated
39 within a park operated by a nonprofit organization pursuant to this
40 section.

1 (b) An operating agreement entered into pursuant to subdivision
2 (a) shall honor the existing term of a current concession contract
3 for the state park unit subject to the operating agreement.

4 (c) An operating agreement entered into pursuant to subdivision
5 (a) shall specify the duties that the nonprofit organization shall be
6 responsible for carrying out relative to management and protection
7 of natural, historical, and cultural resources, and shall identify
8 those management duties that shall continue to be conducted by
9 the department, so that all core operations of the park are
10 delineated. Scientific, architectural, and engineering functions that
11 require special expertise or professional training shall only be
12 conducted by or under the supervision of qualified persons with
13 applicable expertise or training and subject to oversight by the
14 department.

15 (d) This section does not supersede the requirements of Section
16 5019.53 regarding the protection of natural, scenic, cultural, and
17 ecological values.

18 (e) The nonprofit organization and the district superintendent
19 for the department shall, following submittal of the annual report
20 pursuant to subdivision (a), hold a joint public meeting for
21 discussion of the report.

22 (f) If the department intends to enter into an operating agreement
23 for the development, improvement, restoration, care, maintenance,
24 administration, or operation of a unit or units, or a portion of a
25 unit, the department shall notify the Member of the Legislature in
26 whose district the unit is located, the Chair of the Senate Committee
27 on Natural Resources and Water, the Chair of the Assembly
28 Committee on Water, Parks and Wildlife, and the chairs of the
29 Assembly and Senate budget committees of that intention. The
30 notification shall include estimated operating costs and revenues
31 and core duties and responsibilities that are likely to be assigned
32 to the nonprofit organization and the department.

33 (g) For purposes of this section, a qualified nonprofit
34 organization is an organization that is all of the following:

35 (1) An organization that is exempt from taxation pursuant to
36 Section 501(c)(3) of the Internal Revenue Code.

37 (2) An organization that has as its principal purpose and activity
38 to provide visitor services in state parks, facilitate public access
39 to park resources, improve park facilities, provide interpretive and

1 educational services, or provide direct protection or stewardship
2 of natural, cultural, or historical lands, or resources.

3 (3) An organization that is in compliance with the Supervision
4 of Trustees and Fundraisers for Charitable Purposes Act, Article
5 7 (commencing with Section 12580) of Chapter 6 of Part 2 of
6 Division 3 of Title 2 of the Government Code.

7 (h) (1) Notwithstanding Section 10231.5 of the Government
8 Code, the department shall provide a report to the Legislature, on
9 a biennial basis, of the status of operating agreements it has entered
10 into pursuant to this section. The report shall include a list of units
11 of the state park system with operating agreements, discussion of
12 the management and operations of each unit subject to an operating
13 agreement, an accounting of the revenues and expenditures incurred
14 under each operating agreement, and an assessment of the benefit
15 to the state from operating agreements entered into pursuant to
16 this section.

17 (2) A report submitted pursuant to paragraph (1) shall be
18 submitted in compliance with Section 9795 of the Government
19 Code.

20 (i) This section shall remain in effect only until January 1, 2019,
21 and as of that date is repealed, unless a later enacted statute, that
22 is enacted before January 1, 2019, deletes or extends that date.

23 ~~SEC. 4.~~

24 *SEC. 3.* Section 17205 is added to the Revenue and Taxation
25 Code, to read:

26 17205. (a) For each taxable year beginning on or after January
27 1, 2013, and before January 1, 2018, there shall be allowed as a
28 deduction the amount deposited into the California State Parks
29 Protection Fund on an individual taxpayer return, pursuant to
30 Section 18515.1, that is in excess of the price of the number of
31 state parks day use annual passes received, pursuant to Section
32 18515.1, as determined by the Department of Parks and Recreation.

33 (b) This section shall remain in effect only until January 1,
34 2019, and as of that date shall be repealed, unless a later enacted
35 statute, that is enacted before January 1, 2019, deletes or extends
36 that date.

37 ~~SEC. 5.~~

38 *SEC. 4.* Section 18515.1 is added to the Revenue and Taxation
39 Code, to read:

1 18515.1. (a) The Franchise Tax Board shall revise the
2 individual taxpayer return form, for taxable years beginning on or
3 after January 1, 2012, and before January 1, 2017, to allow an
4 individual to designate an otherwise refundable amount in excess
5 of tax liability, if any, to be deposited to the California State Parks
6 Protection Fund established by Section 18515.2. The form shall
7 indicate the amount of the designation necessary for the taxpayer
8 to be issued a state parks day use annual pass.

9 (b) An individual may designate on the tax return that an
10 otherwise refundable amount in excess of tax liability, if any, be
11 deposited into the California State Parks Protection Fund
12 established by Section 18515.2.

13 (c) If the deposit designation is less than the price of a state
14 parks day use annual pass, as determined by the Department of
15 Parks and Recreation, the return shall be treated as though no
16 deposit designation has been made.

17 (d) A taxpayer shall be entitled to one or more state parks day
18 use annual passes from the Department of Parks and Recreation
19 if the price of one or more state parks day use annual passes, as
20 determined by the Department of Parks and Recreation, is less
21 than or equal to the amount of the deposit designation.

22 (e) The state parks day use annual pass that an individual is
23 entitled to receive pursuant to this section shall provide that
24 individual with unlimited day use access to California state parks,
25 and shall be valid for one year beginning on the date of issuance.

26 (f) For each calendar year, beginning with calendar year 2012,
27 the Department of Parks and Recreation shall provide to the
28 Franchise Tax Board, on or before August 1 of that calendar year,
29 the price of a state parks day use annual pass for the subsequent
30 calendar year, which shall be included on the return for the taxable
31 year.

32 (g) Notwithstanding the provisions of Article 2 (commencing
33 with Section 19542) of Chapter 7, the Franchise Tax Board shall
34 provide necessary information, including the names and addresses
35 of individual taxpayers who deposited amounts equal to or in
36 excess of the price of a state parks day use annual pass pursuant
37 to this section, to the Department of Parks and Recreation so that
38 the department may contact the individuals entitled to a state parks
39 day use annual passes under this section and implement a procedure

1 for the distribution of state parks day use annual passes to those
2 individuals.

3 (h) This section shall remain in effect only until January 1,
4 2019, and as of that date shall be repealed, unless a later enacted
5 statute that is enacted before January 1, 2019, deletes or extends
6 that date.

7 ~~SEC. 6.~~

8 *SEC. 5.* Section 18515.2 is added to the Revenue and Taxation
9 Code, to read:

10 18515.2. (a) There is in the State Treasury the California State
11 Parks Protection Fund to receive deposits made pursuant to Section
12 18515.1. The Franchise Tax Board shall notify the Controller and
13 the Department of Parks and Recreation of the amount of refund
14 money designated to be deposited by taxpayers pursuant to Section
15 18515.1 to be transferred to the California State Parks Protection
16 Fund. The Controller shall transfer from the Personal Income Tax
17 Fund to the California State Parks Protection Fund an amount not
18 in excess of the sum of the amounts designated by individuals
19 pursuant to Section 18515.1.

20 (b) This section shall remain in effect only until January 1,
21 2019, and as of that date shall be repealed, unless a later enacted
22 statute, that is enacted before January 1, 2019, deletes or extends
23 that date.

24 ~~SEC. 7.~~

25 *SEC. 6.* Section 18515.3 is added to the Revenue and Taxation
26 Code, to read:

27 18515.3. (a) All moneys transferred to the California State
28 Parks Protection Fund, upon appropriation by the Legislature, shall
29 be allocated as follows:

30 (1) To the Franchise Tax Board and the Controller for
31 reimbursement of all costs incurred by the Franchise Tax Board
32 and the Controller in connection with their duties under Sections
33 18515.1 and 18515.2.

34 (2) To the Department of Parks and Recreation to cover the
35 costs of the issuance of state parks day use annual passes to
36 individual taxpayers who made a designation for that purpose
37 pursuant to Section 18515.1, and for purposes related to the
38 protection and preservation of state parks.

39 (b) This section shall remain in effect only until January 1,
40 2019, and as of that date shall be repealed, unless a later enacted

1 statute, that is enacted before January 1, 2019, deletes or extends
2 that date.

3 ~~SEC. 8.~~

4 ~~SEC. 7.~~ Section 18515.4 is added to the Revenue and Taxation
5 Code, to read:

6 18515.4. (a) Notwithstanding the repeal of Section 17205,
7 18515.1, 18515.2, or 18515.3, any deposit amounts designated
8 pursuant to those sections prior to their repeal shall continue to be
9 transferred and disbursed in accordance with those sections as in
10 effect immediately prior to that repeal.

11 (b) This section shall remain in effect only until January 1,
12 2019, and as of that date shall be repealed, unless a later enacted
13 statute, that is enacted before January 1, 2019, deletes or extends
14 that date.

15 ~~SEC. 9.~~ Section 5155 of the Vehicle Code is amended to read:

16 5155. The design criteria for a specialized license plate are as
17 follows:

18 (a) ~~Except as provided in Section 5161, the license plate for a~~
19 ~~passenger vehicle, commercial vehicle, or trailer shall provide a~~
20 ~~space not larger than two inches by three inches to the left of the~~
21 ~~numerical series and a space not larger than five-eighths of an inch~~
22 ~~in height below the numerical series for a distinctive design, decal,~~
23 ~~or descriptive message as authorized by this article. The license~~
24 ~~plates shall be issued in sequential numerical order or, pursuant~~
25 ~~to Section 5103, in a combination of numbers or letters.~~

26 (b) ~~Specialized license plates authorized under this article may~~
27 ~~be issued for use on a motorcycle. That license plate shall contain~~
28 ~~a five-digit configuration issued in sequential numerical order or,~~
29 ~~pursuant to Section 5103, in a combination of numbers or letters.~~
30 ~~There shall be a space to the left of the numerical series for a~~
31 ~~distinctive design or decal and the characters shall contrast sharply~~
32 ~~with the uniform background color. A motorcycle plate containing~~
33 ~~a full plate graphic design is not authorized.~~

34 (c) ~~Specialized license plates may be issued as environmental~~
35 ~~license plates, as defined in Section 5103.~~

36 ~~SEC. 10.~~ Section 5161 is added to the Vehicle Code, to read:

37 5161. (a) ~~The department, in consultation with the Department~~
38 ~~of Parks and Recreation, shall design and make available for~~
39 ~~issuance pursuant to this article special state parks environmental~~
40 ~~design license plates as described in this section. Notwithstanding~~

1 Section 5155, the special state parks environmental design license
2 plates shall bear a full-plate graphic design that the department
3 determines, in consultation with the Department of the California
4 Highway Patrol, does not obscure the readability of the license
5 plate depicting a California redwood tree design as an iconic feature
6 of California's state park system, as approved by the Department
7 of Parks and Recreation. The Department of Parks and Recreation
8 may accept and use donated artwork from California artists for
9 purposes of this requirement. Any person described in Section
10 5101 may, upon payment of the additional fees set forth in
11 subdivision (b), apply for and be issued a set of special state parks
12 environmental design license plates. The special state parks
13 environmental design license plates may be issued as environmental
14 license plates, as defined in Section 5103.

15 (b) In addition to the regular fees for an original registration or
16 renewal of registration, the following additional fees shall be paid
17 for the issuance, renewal, or transfer of the special state parks
18 environmental design license plates authorized pursuant to this
19 section:

20 (1) For the original issuance of the plates, fifty dollars (\$50).

21 (2) For a renewal of registration with the plates, forty dollars
22 (\$40).

23 (3) For transfer of the plates to another vehicle, fifteen dollars
24 (\$15).

25 (4) For each substitute replacement plate, thirty-five dollars
26 (\$35).

27 (5) In addition, for the issuance of environmental license plates,
28 as defined in Section 5103, with a full-plate graphic design
29 described in subdivision (a), the additional fees prescribed in
30 Sections 5106 and 5108. The additional fees prescribed in Sections
31 5106 and 5108 shall be deposited in the Environmental License
32 Plate Fund.

33 (c) Except as provided in paragraph (5) of subdivision (b), and
34 after deducting its administrative costs under this section, the
35 department shall deposit the additional revenue derived from the
36 issuance, renewal, transfer, and substitution of special
37 environmental design license plates in the California State Parks
38 Account, which is hereby created in the Specialized License Plate
39 Fund. Upon appropriation by the Legislature, the money in the
40 account shall be allocated by the Controller to the Department of

~~Parks and Recreation for expenditure for the exclusive trust purposes of preservation and restoration of California state parks.~~

~~(d) The Department of Parks and Recreation shall collect and hold applications for the special state parks environmental license plates described in this section. The department shall not be required to make the special state parks environmental license plates available for issuance pursuant to this section until the Department of Parks and Recreation has submitted not less than 7,500 applications for the plates to the department.~~

~~SEC. 11.~~

SEC. 8. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

~~SEC. 12.~~

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to protect state parks that are threatened with imminent closure and begin addressing state park revenue shortfalls as soon as possible, it is necessary that this act take effect immediately.